

MONTANA LEGISLATIVE HISTORY

Chapter 45 19 89

Bill H 38 S _____ Original bill & history C

H. Committee on Judiciary

Hearing Date(s) Jan 06 ☒ C

_____ C

_____ C

_____ C

Date Out Jan 09 ☒ C

S. Committee on Judiciary

Hearing Date(s) Jan 26 ☒ C

Jan 30 ☒ C

_____ C

_____ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

HOUSE FINAL STATUS

1/20	HEARING		
1/23	COMMITTEE REPORT--BILL CONCURRED		
1/26	2ND READING CONCURRED AS AMENDED	48	0
1/28	3RD READING CONCURRED	43	1
	RETURNED TO HOUSE WITH AMENDMENTS		
2/07	2ND READING AMENDMENTS CONCURRED	88	11
2/08	3RD READING AMENDMENTS CONCURRED	96	3
2/20	SIGNED BY SPEAKER		
2/21	SIGNED BY PRESIDENT		
2/21	TRANSMITTED TO GOVERNOR		
2/24	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 34 EFFECTIVE DATE: 2/24/89		

HB 38 INTRODUCED BY EUDAILY
INCLUDE BENEFITS RECEIVED UNDER UNIVERSITY SYSTEM
OPTIONAL RETIREMENT PROGRAM AS PROPERTY THAT
MAY BE EXEMPTED IN A BANKRUPTCY PROCEEDING

1/02	INTRODUCED		
1/02	REFERRED TO JUDICIARY		
1/06	HEARING		
1/10	COMMITTEE REPORT--BILL PASSED AND PLACED ON CONSENT CALENDAR		
1/12	3RD READING PASSED	97	0
	TRANSMITTED TO SENATE		
1/13	REFERRED TO JUDICIARY		
1/26	HEARING		
2/02	COMMITTEE REPORT--BILL CONCURRED AS AMENDED		
2/07	2ND READING CONCURRED	50	0
2/09	3RD READING CONCURRED	49	1
	RETURNED TO HOUSE WITH AMENDMENTS		
2/27	2ND READING AMENDMENTS CONCURRED	86	4
2/28	3RD READING AMENDMENTS CONCURRED	90	4
3/02	SIGNED BY SPEAKER		
3/02	SIGNED BY PRESIDENT		
3/02	TRANSMITTED TO GOVERNOR		
3/06	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 45 EFFECTIVE DATE: 3/06/89		

HB 39 INTRODUCED BY COBB
END COAL SEVERANCE TAX ALLOCATION TO COUNTY LAND
PLANNING

12/30	FISCAL NOTE REQUESTED		
1/02	INTRODUCED		
1/02	REFERRED TO TAXATION		
1/06	FISCAL NOTE RECEIVED		
1/06	FISCAL NOTE PRINTED		
	DIED IN COMMITTEE		

HB 40 INTRODUCED BY DAILY
LIMIT LEGISLATOR TO NO MORE THAN 5 BILL INTRODUCTION

1/02	INTRODUCED		
1/02	REFERRED TO RULES		

HEARING ON HOUSE BILL 38

Presentation and Opening Statement by Sponsor:

Representative Eudaily, House District 60, stated that the purpose of this bill is to make it compatible and give it the same status as all the other retirement systems that are in the State of Montana.

List of Testifying Proponents and What Group they Represent:

David Evenson, Director of Benefits for the Montana University System.

David Senn, Executive Secretary to the Teachers Retirement Board.

Questions From Committee Members: Rep. Addy stated to Mr. Senn that there was no coordination reference in the basic law back to Section 19-21-212 and was wondering if it was discussed in the drafting process.

Mr. Senn replied to Rep. Addy that he did not assist in drafting of this law.

Mr. Evenson commented that it was not considered when working with the Legislative Council when drafting the bill and it was an oversight.

Closing by Sponsor: Rep. Eudaily closed.

DISPOSITION OF HOUSE BILL 38

Discussion: Rep. Eudaily questioned Rep. Addy what his concern was regarding House Bill 38. Rep. Addy replied that there were no explicit references to bankruptcy proceedings and was wondering if these proceedings should be noted more clearly.

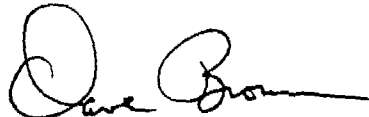
Rep. Boharski questioned if all other state retirement plans were included in this exemption from bankruptcy except for this optional retirement plan. Rep. Brown stated that it was to his understanding that Rep. Boharski was correct.

Amendments and Votes: None.

Recommendation and Vote: Rep. Eudaily moved to DO PASS
House Bill 38, motion was seconded by Rep. Darko.
Question was called on the DO PASS motion and CARRIED
unanimously. Rep. Brown suggested to Rep. Eudaily
that HB 38 be placed on the consent calendar. Rep.
Eudaily moved to place HB 38 on the consent calendar
and the motion CARRIED with a unanimous vote.

ADJOURNMENT

Adjournment At: 8:26 a.m.

A handwritten signature in cursive script, appearing to read "Dave Brown", is written above a horizontal line.

REPRESENTATIVE DAVE BROWN, Chairman

DB/je

0508.MIN

STANDING COMMITTEE REPORT

January 9, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Bill 38 (first reading copy -- white) do pass and be placed on the consent calendar.

Signed: Dave Brown
Dave Brown, Chairman

MINUTES

MONTANA SENATE 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Bruce D. Crippen, on January 26, 1989, at 10:00 a.m.

ROLL CALL

Members Present: Chairman Crippen, Vice Chairman Bishop, Senator Beck, Senator Brown, Senator Halligan, Senator Harp, Senator Jenkins, Senator Mazurek, Senator Pinsoneault, Senator Yellowtail

Members Excused: None

Members Absent: None

Staff Present: Valencia Lane, Legislative Staff Attorney, Rosemary Jacoby, Committee Secretary

Announcements/Discussion: There was none.

HEARING ON HOUSE BILL 38

Presentation and Opening Statement by Sponsor:

Representative Ralph Eudaily of Missoula, District 60, opened the hearing. He stated that the purpose of this bill is to allow the University system retirement program as property that may be exempted in a bankruptcy proceeding. He said this bill would correct the law as was intended 2 years ago. It had been submitted incorrectly because of an oversight in the drafting of the previous bill. The bill would give the same benefits to employees of the University system as other state employees have, he said.

List of Testifying Proponents and What Group they Represent:

David Evenson, Montana University System

List of Testifying Opponents and What Group They Represent:

None

Testimony:

David Evenson, representing the Montana University System, agreed with Representative Eudaily. He felt that the bill corrected a defect in legislation. The defect was caused by an oversight in the bill draft presented last session in the legislature, he said. He said there was no reason why these employees should be treated differently.

Opponents:

None

Questions From Committee Members: Senator Mazurek asked if the matter had been brought up that Judge Peterson's bankruptcy court threw out that legislation 2 years ago.

Representative Eudaily replied that it wasn't.

Senator Mazurek stated that in the past they made the proceedings regarding bankruptcy. He asked if there would be any problems if they included that language.

Representative Eudaily replied that there would not be any problem.

Senator Beck questioned if Judge McDonough's court decision had been challenged.

Senator Mazurek felt he didn't know, but thought Judge McDonough had a bill which would correct the oversight.

Closing by Sponsor: Representative Eudaily closed.

HEARING ON SENATE BILL 214

Presentation and Opening Statement by Sponsor:

Representative Pipinich, District 33, opened the hearing. He stated that the Department supported the repeal of limitation of funding for subsidizing

NAME: David Ewensov DATE: 1-26-89

ADDRESS: 33 S Last Chance Gulch

PHONE: 444-6570

REPRESENTING WHOM? Montana University System

APPEARING ON WHICH PROPOSAL: HB -38

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: this bill corrects a defect
in legislation. the defect was
caused by an oversight in the
bill draft presented to the legislature
last session.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Recommendation and Vote: Senator Harp MOVED that SB 214 DO PASS. The MOTION CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL 38

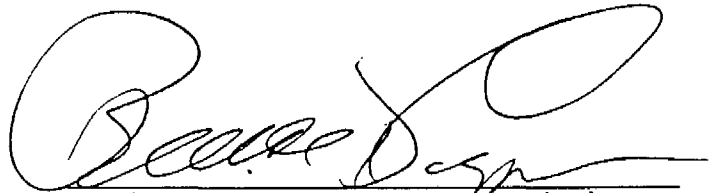
Recommendation and Vote: Senator Harp MOVED that HB 38 BE CONCURRED IN. Senator Mazurek stated that there had been questions about the retroactive possibilities for the bill. After further discussion, Senator Harp WITHDREW his motion.

DISPOSITION OF HOUSE BILL 172

Recommendation and Vote: Senator Harp MOVED that SB 172 DO PASS. After discussion, it was decided not to act on Senator Pinsoneault's bill in his absence.

ADJOURNMENT

Adjournment At: 12:00 noon.



SENATOR BRUCE D. CRIPPEN, Chairman

BDC/rj

minrj.130